

VZCZCXRO7107
PP RUEHLN RUEHVK RUEHYG
DE RUEHC #0626/01 1630117
ZNR UUUUU ZZH
P 120053Z JUN 09
FM SECSTATE WASHDC
TO RUEHMO/AMEMBASSY MOSCOW PRIORITY 1064
INFO RUEHLN/AMCONSUL ST PETERSBURG PRIORITY 3479
RUEHVK/AMCONSUL VLADIVOSTOK PRIORITY 1784
RUEHYG/AMCONSUL YEKATERINBURG PRIORITY 1743

UNCLAS SECTION 01 OF 06 STATE 060626

SIPDIS

E.O. 12958: N/A
TAGS: [ELAB](#) [KCRM](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [KPAO](#) [KTIP](#) [RS](#)
SUBJECT: RUSSIA--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732

[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Russia of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Russia and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Russia of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the

narrative text. This engagement is important to establishing the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Russia,s country narrative in the 2009 TIP Report:

Russia (TIER 2 Watch List)

Russia is a source, transit, and destination country for men, women, and children trafficked for the purposes of forced labor and commercial sexual exploitation. Men and women from the Russian Far East are trafficked to South Korea, China, Bahrain, Oman, Japan, and South Korea for purposes of sexual exploitation, debt bondage, and forced labor, including in

STATE 00060626 002 OF 006

the agricultural and fishing sectors. Some Russian women are trafficked to Turkey, Greece, South Africa, Germany, Poland, Italy, Israel, Spain, Vietnam, Thailand, Australia, New Zealand, and the Middle East for the purpose of commercial sexual exploitation. Men and women from Central Asia and Ukraine are trafficked to the Russian Far East for the purpose of forced labor, including victims trafficked for forced labor in the fishing industry. The ILO reports that labor trafficking is the most predominant form of trafficking in Russia. Men and women are trafficked within Russia and from Kyrgyzstan, Tajikistan, Uzbekistan, Ukraine, and Moldova to Russia for the purposes of commercial sexual exploitation and forced labor, including work in the construction industry. A significant number of men from Belarus are trafficked to Russia for the purpose of forced labor in the construction, manufacturing, and fishing sectors. Moscow and St. Petersburg have been destinations for children trafficked within Russia and from Ukraine and Moldova for purposes of sexual exploitation and forced begging. Men from Western Europe and the United States travel to Western Russia, specifically St. Petersburg for the purpose of child sex tourism; experts continue to credit a decrease in the number of child victims in these cities to aggressive police investigations and Russian cooperation with foreign law enforcement.

The Government of the Russian Federation does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these significant efforts, the government over the last year: decreased the number of reported trafficking investigations, prosecutions, and convictions; did not vigorously prosecute, convict, and punish government officials; made no significant efforts to improve efforts to identify and assist victims of trafficking; and did not make adequate efforts to address labor trafficking; therefore, Russia is placed on Tier 2 Watch List. Victim identification and assistance remained inadequate and varied in quality and availability, despite efforts by some regional and local authorities. The federal government did not dedicate funding to anti-trafficking activities or trafficking victim assistance during the reporting period; and, despite limited funding by some local governments, the majority of shelter and direct trafficking assistance continued to be provided by foreign-funded international organizations and NGOs.

Recommendations for Russia: Develop and implement a

comprehensive national strategy that addresses all forms of trafficking and provides comprehensive victim assistance throughout Russia; provide funding from federal, regional, and/or municipal budgets to implement this national strategy; allocate funding to anti-trafficking NGOs that provide victim assistance and rehabilitative care; increase the number of victims identified and assisted; designate trafficking-specific responsibilities to relevant government ministries on the national and regional levels; establish an official federal coordinating body with the authority to implement the national strategy; increase the number of investigations, prosecutions, and convictions for trafficking offenses, particularly government officials complicit in trafficking; ensure convicted traffickers and convicted complicit officials are sentenced to some time in prison; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; continue efforts to raise public awareness of both sex and labor trafficking; increase efforts to investigate, prosecute, convict, and punish labor trafficking offenses; and continue to take steps to prevent the use of forced labor in construction projects for the 2014 Winter Olympics.

Prosecution

The Government of the Russian Federation sustained its investigation efforts, but reported limited prosecution and no conviction efforts during the reporting period. Article 127 of the Russian Criminal Code prohibits both trafficking for commercial sexual exploitation and forced labor. Other criminal statutes are also used to prosecute and convict traffickers. Article 127 provides punishments of up to five years, imprisonment for trafficking crimes and aggravating circumstances may extend penalties up to 15 years, imprisonment; this is commensurate with punishments prescribed for other grave crimes, such as rape. In 2008, police conducted 111 trafficking investigations under Article 127 -- 95 for sex trafficking and 16 for forced labor cases -- down from 139 trafficking investigations in 2007. It was difficult to ascertain the exact number of prosecutions and convictions resulting from these investigations because the government again did not collect and maintain such statistics. At least nine traffickers were prosecuted during

STATE 00060626 003 OF 006

the reporting period, compared with at least 46 prosecutions in 2007. The government did not report the number of convicted traffickers or those sentenced to serve time in prison during the reporting period. In July 2006, the Duma passed asset forfeiture legislation that permits prosecutors to forfeit the assets of convicted persons, including traffickers; however, there were no reports that the law has been used against human traffickers since its enactment.

In 2008, authorities reportedly investigated three high-level officials for possible involvement in human trafficking, including one military official for organizing an international sex trafficking syndicate which was allegedly responsible for trafficking 130 women and girls from Eastern Europe to Western Europe and the Middle East between 1999 and 2007. One low-level police officer was arrested for trafficking women to the UAE and two low-level police officers were arrested for trafficking women within Russia for commercial sexual exploitation; these investigations were ongoing at the end of the reporting period. There was no updated information on whether the three officials that were arrested for trafficking-related complicity in 2007) as reported in the 2008 Report) were prosecuted, convicted, or punished during the reporting period. There was no updated information on whether the five military officials investigated in 2007 for the labor exploitation of military conscripts under their command were prosecuted, convicted, or punished for their actions during the reporting period.

Protection

Russia demonstrated limited progress in improving its inadequate efforts to protect and assist victims during the reporting period. Russia lacks national policies and national programs to provide specific assistance for trafficking victims. The majority of aid to NGOs and international organizations providing victim assistance continued to be funded by international donors. Some local governments reportedly provided modest financial and in-kind support to some anti-trafficking NGOs. A local government in the Russian Far East provided facility space for a foreign-funded shelter that opened in February 2009; one victim was assisted during the reporting period. The City of St. Petersburg continued to fund a number of shelters for children which provided assistance to some child victims of trafficking in 2008. Although the government did not track the number of victims assisted by local governments and NGOs in 2008, some victims of trafficking were provided with limited assistance at regional and municipal-run government-funded domestic violence and homeless shelters. However, the quality of these shelters varied and they were often ill-equipped to provide for the specific legal, medical, and psychological needs of trafficking victims. Also, foreign and Russian victims found in regions where they did not reside were sometimes denied access to state-run general health care and social assistance programs, as local governments could restrict eligibility to these services to local residents.

Russia demonstrated inadequate efforts to identify victims; the majority of assisted victims continued to be identified by NGOs or international organizations. Some municipalities across Russia had cooperation agreements between NGOs and local authorities to refer victims for assistance, and in 2008 an increasing number of the victims assisted nationwide were referred by government officials; IOM reported that approximately 48 percent of the 117 trafficking victims assisted by their foreign-funded shelter in Moscow were referred by law enforcement and other government authorities.

In October 2008, a local government in Tatarstan signed a Memorandum of Understanding with a local NGO to improve victim identification and referral for assistance. In early April 2009, an NGO-run shelter in Vladivostok also signed a similar agreement with the local police. Police in some communities encouraged victims to participate in trafficking investigations and prosecutions. The Ministry of Interior introduced anti-trafficking training in its police academies.

No victims of trafficking were assisted by the witness protection program in 2008. Foreign victims were permitted to reside in Russia pending the investigation and prosecution of their trafficker and may petition for asylum to remain in Russia. There were no reports that victims were punished for unlawful acts committed as a direct result of being trafficked.

Prevention

Russia maintained its modest awareness efforts from the previous reporting period. Government-owned media in newspapers, television, and over the Internet reported

STATE 00060626 004 OF 006

numerous stories and aired documentaries relating to human trafficking, and often detailed preventative measures for potential victims to avoid falling prey to traffickers. The Russian Academy of Sciences conducted a recent survey of 837 potential victims of trafficking; the results indicated that more than 70 percent of those surveyed were aware of the dangers of both sex and labor trafficking. The Ministry of Foreign Affairs continued to maintain a website warning Russian citizens traveling abroad about the dangers of trafficking. The government did not take specific steps to reduce the demand for commercial sex acts. In 2008, one American man was arrested by authorities for the commercial sexual exploitation of a child; the defendant subsequently pleaded guilty and was expected to be sentenced after the conclusion of the reporting period. The government did not

report trafficking-specific training for its troops deployed abroad as peacekeepers. The regional government in Yekaterinburg continued to fund a migrant center that worked with local Diaspora organizations to shelter and legalize migrants, making them less vulnerable to labor trafficking in the region.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to

Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Russia given a ranking of Tier 2 Watch List?

A: Russia is placed on Tier 2 Watch List for a sixth consecutive year because the government decreased the number of reported trafficking investigations, prosecutions, and convictions; did not vigorously prosecute, convict, and punish government officials; made no significant efforts to improve efforts to identify and assist victims of trafficking; and did not make adequate efforts to address

labor trafficking.

The Government of the Russian Federation sustained its investigation efforts and maintained its modest awareness efforts from the previous reporting period. In 2008, authorities reportedly investigated three high-level officials for possible involvement in human trafficking, including one military official for organizing an international sex trafficking syndicate which was allegedly responsible for trafficking 130 woman and girls from Eastern Europe to Western Europe and the Middle East between 1999 and 2007.

STATE 00060626 006 OF 006

Q2: What are some important observations made by the 2009 Report?

A: Victim identification and assistance remained inadequate and varied in quality and availability, despite efforts by some regional and local authorities. The federal government did not dedicate funding to anti-trafficking activities or trafficking victim assistance during the reporting period; and, despite limited funding by some local governments, the majority of shelter and direct trafficking assistance continued to be provided by foreign-funded international organizations and NGOs.

Q3: What can Russia do to improve its fight against trafficking in persons in the coming year?

A: To improve its anti-trafficking performance, the Russian government could: Develop and implement a comprehensive national strategy that addresses all forms of trafficking and provides comprehensive victim assistance throughout Russia; provide funding from federal, regional, and/or municipal budgets to implement this national strategy; allocate funding to anti-trafficking NGOs that provide victim assistance and rehabilitative care; increase the number of victims identified and assisted; designate trafficking-specific responsibilities to relevant government ministries on the national and regional levels; establish an official federal coordinating body with the authority to implement the national strategy; increase the number of investigations, prosecutions, and convictions for trafficking offenses, particularly government officials complicit in trafficking; ensure convicted traffickers and convicted complicit officials are sentenced to some time in prison; create a central repository for investigation, prosecution, conviction, and sentencing data for trafficking cases; continue efforts to raise public awareness of both sex and labor trafficking; increase efforts to investigate, prosecute, convict, and punish labor trafficking offenses; and continue to take steps to prevent the use of forced labor in construction projects for the 2014 winter Olympics.

12. The Department appreciates posts' assistance with the preceding action requests.

CLINTON